IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 679 of 1996

For Approval and Signature:

HON'BLE MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AMRISHJI G JOSHI

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 679 of 1996
NOTICE SERVED for Petitioner No. 1
PUBLIC PROSECUTOR for Respondent No. 1
RULE SERVED for Respondent No. 2-3

CORAM : HON'BLE MR.JUSTICE R.P.DHOLAKIA

Date of decision: 28/08/2003

ORAL JUDGEMENT

The present petition has been filed by one

Mr.Amrishji G.Joshi against whom the complaint has been filed by the complainant - respondent No.3 directly into the court of the Judicial Magistrate, First Class, Surat on 17.10.1995. On receiving the same, it has been numbered as Inquiry Case No.24 of 1995 against the present petitioner and one another person. Learned J.M.F.C., Surat has passed the order under Section 156(3) of the Code of Criminal Procedure and directed the concerned police to investigate the matter and to submit the report on or before 18.11.1995, which gave rise to file the present petition.

At the time of admission, interim relief was also granted in favour of the present petitioner and the investigation was stayed. Thereafter, during the pendency of this petition, learned counsel for the petitioner Mr.M.C.Kapadia expired, and, therefore, the notice was issued to the petitioner and the record shows that the same has been duly served upon the petitioner, but, the petitioner has chosen not to remain present. This court has sufficiently waited, but, none appeared for the petitioner. Hence, this petition is dismissed for want of prosecution. Rule is discharged. Interim relief granted earlier stands vacated.

(R.P.Dholakia,J)
(pathan)